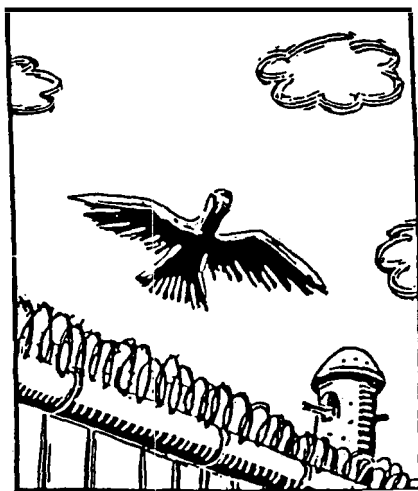


AGAINST PRISONS



By
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AGAINST PRISONS

We are living in a cynical time, when things have become simplified as far as prisons are concerned. The days when we could imagine that convicts would "become better" are over. No one dares to adopt this discourse, and even the stupidest penologists and the journalists who echo such nonsense recognize that even if the learning forced upon a few very rare prisoners gives them the means to better express their desires, how much more beneficial it would be if it was given to the same exceptional cases outside prison.

Today it can be said aloud that dungeons are dungeons, cages are cages, and that nothing can be done about those who are locked in, since the main thing is not to do them good but that offenders be banished inside the national borders. They are purely and simply suppressed. This is why short prison sentences appear inept and totally meaningless.

Long prison sentences, on the contrary, correspond perfectly to a collective desire to murder. We eliminate bothersome people, like any crook would. If the death penalty has disappeared in some countries, it was because it was too exceptional. It was not that death itself seemed indecent, but all the fuss that was made about it. Even those who call themselves revolutionaries always calmly imagine death for the enemies of their freedom; from the army general to the terrorist, through the perpetrator of a hold-up and the policeman, everyone agrees with the saying "You can't make an omelette without breaking eggs."

The death of those who prevent us from living has never bothered anyone, provided people don't make a fuss about it. If the citizens of Philadelphia expressed their discontent in May 1985, it was not because the police dropped an incendiary bomb on a house full of people whom the neighbors had denounced for

living too squalidly, but because in doing so, they destroyed part of the neighborhood.

So prison is the ideal kind of death, because it eliminates *en masse* those whom society could only physically kill in very small numbers. It economizes emotion.

However there is an enormous problem, a fundamental problem that makes this eliminatory system inadequate for modern society. Apart from those who commit suicide (who therefore take "the law" into their own hands), the rest, in most countries, eventually get out of jail.

This is not the place to analyze how we have arrived at this aberration, but prison only misses its vocation by a hair's breadth: the death it dispenses only lasts a few years or decades. Prison confinement seldom takes its logic to its conclusion, if only because society must recognize a scale of prison sentences that corresponds to its own scale of values. In emotional terms, crime has a monetary value: cheating on your wife is not punishable by law, whereas cheating your business partner makes you liable to be brought to trial; "self-defence" is "legitimate" when policemen confront thieves, but not the other way around; killing in order to steal is more serious than killing out of anger; after all, you would be sentenced to a longer term for stealing twenty million dollars than for stealing one million. These are all common examples of the commercial value that judges attribute to offences.

So prisoners get out. Imprisonment will, at the very least, have got them "riled up". No sensible person could stand the thought of living with people who have been deliberately driven to anguish and made violent and enraged. So not only does prison not protect "decent people" from criminals, it daily releases delinquents who are labelled and provoked as such into unimprisoned society. It is absolutely mistaken to think that prisons make anyone feel secure. The well-being in a few people's minds that sometimes results from the existence of prisons does not correspond to a desire for security at all, but of one for vengeance. What they want is not prison but punishment, and this is why they are not at all opposed to prison abolition as long as prisons are replaced by "something better".

Public opinion does not exist; it simply hides the pressure groups that the media echo: thus, little by little, the viewpoint of a few administrators is taken up in the media to the effect that prison is useless, and above all that it is out of date: it is not a good investment. During the riots of May 1985 in France, newspapers that were considered the most reactionary asked the question which is itself the subject of this Congress, and which the *Parisien Libéré*, for example, placed on the front page in big print: "It is true that prison is useless, but what should it be replaced with?"

Thus, prison abolition follows the trend of history. There is no doubt that questioning the merits of prison has been widespread during the last ten years, not just among "specialists" (criminologists, sociologists, educators and psychologists), but I also among their usual outlets (journalists and politicians).

It is important to be aware that this Congress is modern. We are apparently slowly reaching a stage where prison will be eliminated in 80% of all cases, for which alternative measures are being sought. For the remaining 20% considered dangerous, the eliminatory aspect is strengthened, either by inventing "non-traumatic" death penalties (death by injection), or by actually imprisoning delinquents for life, or by classifying them as mentally ill people who either can or cannot be returned to society cured and calmed down. The agreement that is being reached regarding the need to begin the abolition of prisons with that of short prison sentences takes little notice of this affirmation's immediate corollary, which consists of imprisoning the remaining 20% (or 30% or 3%; one can imagine the kind of bargaining the figures will be the subject of) under the heading of "dangerous". As scapegoats and symbols these people would be the playthings of a sinister *mise en scène* that would be even more hate-filled than today's. One cannot consider freeing minor offenders without implying that offenders that are considered serious must not be freed.

When there is talk of reducing prison terms, once again it is to "soften the punishment", to make the prison sentence "more bearable". But we should question the absurdity of wanting to reduce the suffering that is inflicted precisely by the justice system.

Reformists, whether they are animated by mere profitability or by so-called humanitarian reasons, have in common their modern outlook. It is reformism that allows prisons to endure. Today, making prisons "more liveable" means making them better adapted. Not better adapted to people, however, but better adapted to our times. Modernization of punishment can only be carried out because charitable souls and enlightened minds take the time to think of a modern way of punishing.

Whence the idea that an alternative to imprisonment must be found.

AGAINST JUDGEMENT

Others, we hope, will critique the system of fines or "freely accepted" forced labor.

We shall limit ourselves to observing that such punishments are as old as the hills, and that their modern aspect is only due to their cynical nature.

Alternative solutions, not to punishment but to judgement, seem more interesting.

It has been said of "negotiations" between the victims and perpetrators of misdemeanor offences that they are to prison what diplomacy is to war.

As abolitionists, we are aware that, if prisons are to be suppressed, there must be a wish to avoid any judicial apparatus or sanctions. We also acknowledge that it is as desirable to look for conciliation from the victim as from the offender.

Nevertheless, we are not sure whether either the offender or the victim will want a friendly arrangement. Indeed, the non-offender, a priori, does not expect to begin "conciliation" to find an arrangement that enables him to accept social rules. Will the offender, who does not accept the whole game, be willing to come to terms and collaborate with or fraternize with the enemy? (We are obviously not talking about the victim here, but the whole social apparatus of support for the victim).

Therefore we are posing the question of this system and the systemization of this conciliation. Who would be the conciliators? Reconciliation professionals? Psychologists? Volunteers? What interests will they defend?

We reject any kind of confinement. The hyper-policed life we are offered, in which people arrogate the right to understand what caused us to act, bears too much resemblance to the confinement of social control as it already exists in certain monstrously over-developed countries. Social workers, psychologists and doctors who think it is their duty to mend the holes in the fabric of the community do so not out of a wish to preserve their own happiness, but for the survival of systems for which they wish to be the maintenance teams.

On the other hand, we can quite accept and hope that every person might count on people who would associate with him to help him resolve a conflict situation, provided this help be punctual, unique and individualized, and this is why we mistrust all conciliation procedures, which would just be a further institutionalization of relationships. For we all especially suffer from not being able to create relationships that are not immediately reduced to social machinery.

Conflicts are not handled by those who experience them but through so-called "objective" legal procedures, which in reality make objects out of all of us.

We do not need to vent our indignation or judgements on society. Clearly, some actions or behavior upset and scandalize us, but we do not consider ourselves "rewarded for our troubles" by the creation of a machine that is no more interested in what is particular about my opinion than what is particular about the perpetrator's opinion of his action. Justice is done in our name, that is, in place of us. But if my place can be taken I no longer exist. The problem of Justice can never be brought up without looking each person's uniqueness in the face: murderer, victim or judge, no one can put himself in another's place.

The question "What is to be done with criminals?" is the very type of question that turns "criminals" into abstract beings separated from their own being; alleged criminals are only a tiny part of themselves: they are not individuals, that is, "people who cannot be divided without being destroyed".

The above question, which seems to fascinate crowds so much, must be completely reconsidered. It is not a matter of knowing what an abstract social entity can do to another abstract social entity, but to see what each person (myself, yourself) should do

when faced with someone who attacks him (myself, yourself). The only worthwhile question is knowing how I myself can be neither a criminal nor a victim.

By far the worst danger lying in wait for us is the total loss of our uniqueness. As abolitionists, we want to repeat that we are against imprisonment, against all prison systems, because there is a monstrous fraud involved. In the name of all and of each one of us we are judged innocent or guilty, our actions are swallowed into the social and everything we are is only taken into account after this digestion, where we are no longer ourselves but an undefined element of the only possible whole, the "social body"; each person is sent back to his assigned place as a functional member: murderer, journalist, woman, bandit, child, etc....

"What is to be done with criminals?" is a criminal question, a question that perpetuates the trap we want to avoid falling into, the trap that consists of perpetually negating the individual.

If a terrorist who had just placed a bomb in this room was discovered here right now, we all might ask ourselves, "What will we do, he and I?," but already the sentence "What will we do to each other?" would seem shocking.

So how should we act in an emergency to escape death? The one a bomber intended for me, but also the one I would be condemned to by any vision that would make an interchangeable unit out of me, one that would kill me as an individual?

We are not saying that this society is poorly fashioned and that after the revolution things will be better. Thus, revolutionaries who ask themselves how the problem of delinquency could be approached in a future society continue to suppose as an unquestionable fact that there must be a system to regulate relationships, to allow their social machine to function. This judicial system actually exists today, and putting red, green, or black judges in the place of white ones can be of no interest to abolitionists.

The idea that in an intelligent economy, technical progress could bring about such satisfaction that no one would want to oppose such a golden age is outdated. Moreover, it is clear that anarchists can no longer advocate banishment without being absurdly hypocritical, since no society can imagine including

anti-social people without wanting to socialize them in one way or another.

To the question, "What is to be done with those whom society will not be able to recuperate, and whom it therefore considers the lowest kind of garbage?", we think there is only one solution: to stop wanting to socialize people. What should torture be replaced with? What should prisons be replaced with? What should trials be replaced with? With nothing. These three questions remain interchangeable, because all of them assume that what does not bend must be broken. We completely refuse to ask ourselves, "How shall we break people?" The opposite of this, which we make our own, consists of asking ourselves, "How shall people not bend?" In this respect, delinquency concerns us. It interests us in that it expresses something irrecoverable, not in its forms, which nearly always bear the imprint of the most appalling normal social relations (sexism, violence, leader worship, money worship, etc....).

As abolitionists, we have other ambitions than maintaining social systems of any type. We do not want isolation; this goes without saying, otherwise what would we be doing here? We want to think with others about ways of living with others outside pre-existing systems. It is the community that secretes isolation. In any cogent notion of community - we must repeat this - each person appears to be no more than an infinitesimal part of the only complete being: the community. Man, then, always lacks others instead of freely, in his uniqueness, desiring others. We believe that each individual constitutes a whole. His desire to meet other "wholes" just expresses his freedom, not a kind of gregarious determinism. The abolitionist movement is not a militant movement; we have no cause to defend, the prisoners' any more than other ones. We are struggling neither for them nor even with them, but for ourselves. We are neither humanists nor leftists; we don't want to work for more humane prisons. Prison is only our affair - and even then! - is just a part of our affair when we are imprisoned. Some abolitionists are imprisoned today, but each person, wherever he is, struggles against his confinement and against a social organization that can only logically lead to punishment and elimination. From this it follows that we are not "outside contacts" who, for example,

would serve the prisoners by circulating information. Today, prisoners or not, we simply want our individual freedom. If I were in the prisoners' place, perhaps I would fight for improved prison conditions, but I am here, outside jail for the time being, and I speak from the outside. (When I say "we", then, I know that only abolitionist prisoners and non-prisoners, that is, a very small number of individuals, recognize themselves in this "we"). We cannot bear being locked up, in prison or elsewhere. We cannot bear being deprived of freedom. For us on the outside, prison is no ordinary threat: it is what harms us, not just because it is the symbol of all of our confinements, but also because it is the real conclusion of an unbearable logic of normalization.

Individuals are judged not in conformity (guilty) or in conformity (innocent), but in any case, judged. We say that if we agree to be assessed, we deprive ourselves of our judgement, our thoughts, our being. The tragic division between the innocent and the guilty, those in conformity with the system or not, destroys all of us. Anything that reinforces this gap is antagonistic to us; this is why we cannot feel concerned by reformist struggles that aim to make prisons less painful. For us, abolitionists inside and abolitionists outside, it is the very idea of prison and trials that suffocates us. We know there are prisoners who are trying to arrange society in such a way that its punishments are acceptable. They are our enemies, as are all those who are determined to restrain us in a life that we cannot make our own. Prison is an ideal angle from which to attack our own individual confinement. We recognize ourselves in prisoners' refusal precisely when they revolt against confinement. Because we are outside we know that we are imprisoned inside walls of constraint. But we cannot take up on our behalf any revolt that intends to reproduce social relations in prison that might still be missing, for, contrary to a widespread idea prison socializes prisoners as much as it can (respect for hierarchies, authorized kinds of leisure activity, blackmail at work, privation and privatization of inter-individual relationships, etc...). Prison is not a disease of our society at all; there is nothing monstrous about it: it is the height of society, the height of all societies, of all community organization of social relations. The media, the police, the justice system, but also

education, morality and culture - everything aims to maintain the cohesiveness of the whole by force. Prison punishment is necessary for order and order is necessary for society. We could never imagine a society without order, and order without prison punishment. We have all internalized this so well - reinforcing the bars and guillotines in our minds to the point of going mad with anguish because of it - that the State keeps us under its thumb quite "naturally," because we are, in reality, "irresponsible". But the State is only a machine serving something more terrifying than itself: behind the State there is a will, a human will. Man is there with his laws. Down with Man.

We are men who are in revolt against Man. That animal is a social animal. Are we happy about it?

AGAINST LAWS

We want to abolish Justice. Does that mean the abolition of laws, and therefore of any kind of society? Because laws are undoubtedly essential to life in a society. No one doubts this: neither do we. The law guarantees each person's rights. It forbids or permits, but in any case it is imposed from the outside. To speak of an inner law would be meaningless. The members of any society, bourgeois, socialist, communist, anarchist or some other kind, have common interests to defend; they have to envisage a common response to anything that can threaten it; they must devote themselves to considering, in common, the question of external enemies and war, or internal enemies and delinquency. From a societal or community point of view, logic requires an organized defence, a judgement shared by the whole, a punishment. Some think that Justice will not be good Justice as long as it remains separate from the people; they want a Justice that emanates from the community. As far as we are concerned, judgement can only remain individual. Even if the judgement of several individuals on some event were unanimous, it would not be communal and could not be generalized. On the contrary, the characteristic feature of a judgement that asserts itself as being one of the whole community is that it no longer belongs to anyone.

By saying "We have every right", abolitionists abolish laws, for each person becomes his own sole reference. If there are acts we do not commit it is because we do not want to commit them. That's all. Forbidding rape is of interest to no one. On the other hand, each person will no doubt find it of interest to consider means of being neither a rapist nor a rape victim. Recognizing that everyone has a right to rape me or hack me to pieces expresses my awareness that laws can in no way protect me. It is as aberrant to say, "If killing was permitted everyone would kill" as it is to say, "Since killing is forbidden I will not be killed". We feel secure with people we trust and no law in the world will change that. We can only be of interest to each other if judging people is reduced to a minimum; we need to rethink things starting from our personal viewpoint. Life would not be any more barbarous without laws. It is within a society with laws that people kill and rape; it is particularly in a society with laws that "decent people" are ready to lynch or flay those they assume are guilty of a crime that they find disturbing. Moreover, it is from this viewpoint that advocates of prison abolition are considering creating refuges for delinquents who refused conciliation. But protecting and punishing the criminal are two sides of the same thing: it is a matter of assigning the criminal to a place. He and the victim are locked into roles that were defined earlier and independently of them. And again we lapse into this very, very old idea that everyone must stay in his place if we want the system to function. The perpetuation of this system, of this organized set of relations, still remains each person's sole aim. But this sole aim is always outside of oneself.

The definition of law is "A mandatory rule imposed on man from the outside". It is obviously because they are outside us that we reject all laws, including, of course, the law of the strongest: we are opposed to force so long as the force in question seeks to restrain us. So it is useless to rehash that delinquency, as such, embodies none of our aspirations: competition, sexism and rackets are laws that we fight, all the more so because society makes them its own, condemning only what is criminal, as Thierry Lévy has shown very well in his book *Le crime en toute humanité* because it is not on a par with the crime that society indulges in. It is true that for its survival, society can only

integrate all individual impulses that pass through its nets by labelling them delinquency and locking up delinquents; making people believe through the media that what is dangerous for it is dangerous for everyone enables the systems we are familiar with to redirect to their own ends what is very often only disgust, anger or weariness at the outset.

It plugs up the cracks with respect to any behavior that opposes it and could thus appear deviant or revolutionary. In doing so, its victory restores a new dynamism to it and allows it to further enlarge its field of activity. (Our optimism consists in affirming that only what is recuperable is recuperated. The irrecoverable is possible. For individuals cannot totally identify with society; they know that they realize what is best in themselves outside of society - through friendship, love, art, brilliant thoughts, etc. - and that every individual aspires to what makes him a unique being).

So society tries to socialize crime with trials, and then criminals with prison. It monopolizes every person's acts because there is in effect a rivalry between owners: myself and the community, to which it is tragically said that "I belong". As soon as they are carried out our acts escape us: if they are judged "anti-social" they are punished, and independently, of course, of ideas we might have about good or evil; the insane, the rebellious, and alleged criminals are all locked up. Being locked up in a prison, a camp or a hospital is only the culmination of a confinement apart from ourselves that all of us suffer. As abolitionists, we want the individuals in question to reappropriate their acts, whether or not they are called crimes. Crime does not exist as such. If there are indeed painful circumstances and horrible acts that are inflicted on us, we ask nothing more than to try to avoid them by considering, alone or with a few others, means of protecting ourselves from any infringement on our mental or physical integrity. We note that progress is a notion that is absolutely devoid of meaning: we think, therefore, that we must break free of a way of thinking that has only led us to dead ends. It is not the Law but freedom that can allow individuals to live in harmony by forming relationships that start from themselves, not from the social relationships they are forced into today.

We have been stripped of everything and made strangers to our own lives. We cannot bear it. The word "revolution" has been confiscated by politicians, so we will use it sparingly, which is no problem, but we certainly hope that our ideas are taken for what they are: a concrete change. So when we affirm that we do not recognize anyone's power to judge us or our acts, we are really abolishing the infamous social consensus, which is just based on turning oneself over to the community. Men have never broken with the idea that they had to give up their singularity for the benefit of the human species. On the contrary, not only would we like to consider ourselves specific individuals, we would like to consider as such every person who wants to be so. As abolitionists, we behave in such a way that criminals and others can reappropriate their acts, because we want to live among people who think about their lives and do not abandon them to social authority. The idea of society does not go without saying. The abolitionist movement is one sign of this, among others.

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Venomous Butterfly Publications

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